

CHAPTER NO. 862

SENATE BILL NO. 3060

By Kyle, Burks

Substituted for: House Bill No. 3163

By Ferguson

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 8, Part 2; Title 38, Chapter 8, Part 1 and Title 62, Chapter 35, Part 1, relative to certain law enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-8-101, is amended by adding the following new item:

(4) "Private special deputy" means a person who is employed and compensated by a resort area owner or management company to act as security and law enforcement for such resort area and whose qualifications and training requirements are equivalent to or superior to those required for a law enforcement officer under the standards established by the peace officer standards and training commission for law enforcement officers.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as a new section:

§ 38-8-118.

(a) A resort area owner or management company may employ one (1) or more persons to act as private special deputies in order to provide on-site security and law enforcement capability for residents and guests of the resort area and for resort area property.

(b)(1) Upon employing a person for security and law enforcement purposes, the resort area shall seek appointment of such person as a private special deputy by the sheriff of the county where the resort is located in accordance with § 8-8-212.

(2) No person may serve as a private special deputy unless such person proves to the appointing sheriff financial responsibility, as evidenced by a corporate surety bond in no less amount than fifty thousand dollars (\$50,000) or by a liability insurance policy of the employer in no less amount than fifty thousand dollars (\$50,000).

(3) The sheriff shall appoint such person as a private special deputy if the person seeking such appointment demonstrates to the sheriff that such person :

(A) Meets all of the qualifications for a police officer set out in § 38-8-106;

(B) Proves financial responsibility as provided in subdivision (2); and

(C) Has received training or continuing training, from whatever source, that is equivalent to or superior to the training or continuing training required for a law enforcement officer under the standards established by the peace officer standards and training commission for law enforcement officers.

(c) When properly appointed by the appropriate sheriff, the private special deputy shall be authorized to act independently of other law enforcement agencies and shall have all the police powers necessary to enforce all state laws as well as rules and regulations of the resort area. The authority hereby granted extends to all facilities or property owned, leased or operated by the employing resort, including any public roads or rights-of-way which are contiguous to, within the perimeter of, or connect between such facilities, property, or interests of a particular institution.

(d)(1) Anyone incurring any wrong, injury, loss, damage, or expense resulting from any act or failure to act on the part of any private special deputy appointed by the sheriff, but not employed by the sheriff or the county, shall not bring suit therefor against the sheriff or the county, and the sheriff and county shall be immune from such suits, and the plaintiff shall be required to pursue the remedy therefor against such private special deputy and/or the employer or employers of such private special deputy, whether the private special deputy is acting within the scope of employment or not.

(2) Notwithstanding the provisions of this subsection, § 8-8-303 or any other provision of law to the contrary, the governmental immunity of the county in which a sheriff has appointed a private special deputy or deputies is not waived for any wrong, injury, loss, damage or expense resulting from an act or omission of the private special deputy under the following circumstances:

(A) The sheriff's department of the county has entered into a mutual assistance agreement with the resort area owner or management company that employs the private special deputy or deputies;

(B) The act or omission occurred while the private special deputy was involved in official law enforcement duties after having been dispatched by the sheriff to respond to a call, provide backup or otherwise assist the sheriff's department in a law enforcement capacity or at the scene of an accident, crime or other incident; and

(C) The crime or incident to which the private special deputy was dispatched was outside the boundaries of the employing resort area as established in subsection (c) of this section.

(e) This section shall not entitle any private special deputy to any public funding, for training or otherwise.

SECTION 3. Tennessee Code Annotated, Section 8-8-212, is amended by adding the following language as a new subsection (b) and by relettering accordingly:

(b) The sheriff may appoint as many private special deputies as qualify for appointment pursuant to the provisions of § 38-8-118.

SECTION 4. Tennessee Code Annotated, Section 62-35-103, is amended by deleting subsection (a)(10) and substituting instead the following:

(10) A private special deputy appointed pursuant to § 38-8-118.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 24, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of June 2006


PHIL BREDESEN, GOVERNOR